

99



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,210	03/12/2004	Patrick Vanhille	04-219	7433
20306	7590	10/25/2005		
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
			EXAMINER COTTINGHAM, JOHN R	
			ART UNIT 2116	PAPER NUMBER

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,210	Applicant(s) VANHILLE ET AL.	
	Examiner John R. Cottingham	Art Unit 2116	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/26/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 8, the term fixing rod lacks antecedent basis and for examination purposes the Examiner assumes that applicant meant fixing shank and not fixing rod.

Claim 8, the limitation "steel of class 10.9" renders the claim indefinite because one of ordinary skill in the art would not understand this limitation.

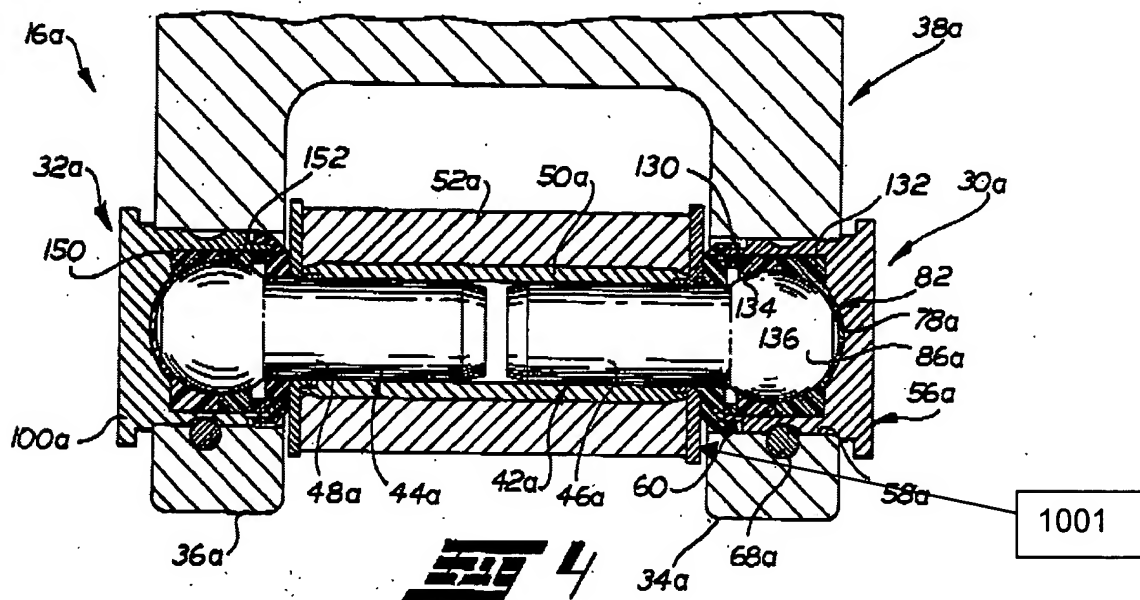
Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by Herbenar et al. Re. 31298. Herbenar shows all of the claimed subject matter of a link to a support in Figures 1-5.



Regarding claim 1, a method of assembling a link to a support; the link comprising a body 12 that is elongated along a longitudinal axis between a first sleeve 52a and a second sleeve (opposite end of 52a) that are part of the body, in which link at least the first sleeve surrounds an inner strength member 1001, said inner strength

Art Unit: 2116

member being mounted to move relative to the body of the link, about an axis of rotation, by means of a flexible coupling 50a interposed between said strength member and the first sleeve 52a, a passageway passing through the inner strength member substantially along the axis of rotation; and the support having at least one fixing tab 36a provided with a fixing orifice, in which method the link and the support are positioned so that the passageway passing through the inner strength member faces the fixing orifice; wherein a fixing shank 136 is engaged by force along the axis of rotation into the fixing orifice, and into at least a portion of the passageway so as to hold the connection on the support and so as to prevent the inner strength member from rotating relative to the support.

Regarding claim 2, in which the support has two fixing tabs 34a and 36a, each of which is provided with a fixing orifice, in which the link and the support are positioned so that the passageway passing through the inner strength member extends between the two fixing orifices, and in which a fixing shank 136 is engaged by force so that it passes both through the passageway and also through each of the fixing orifices.

Regarding claim 3, in which the support has two fixing tabs 36a and 34a, each of which is provided with a respective fixing orifice, in which the link and the support are positioned so that the passageway passing through the inner strength member extends between the two fixing orifices, and in which two fixing shanks 136 are engaged by force so that each of them is engaged both in at least a portion of the passageway and also in a respective one of the fixing orifices.

Regarding claim 4, a vibration-damping device comprising a link 12 and a support 16; the link comprising a body (mid portion) that is elongated along a longitudinal axis between a first sleeve and a second sleeve that are part of the body, in which link at least the first sleeve 52a surrounds an inner strength member, said inner strength member 1001 being mounted to move relative to the body of the link, about an axis of rotation, by means of a flexible coupling 50a interposed between said strength member and the first sleeve, a passageway passing through the inner strength member substantially along the axis of rotation; and the support having at least one fixing tab 34a provided with a fixing orifice, in which device the link and the support are positioned so that the passageway passing through the inner strength member faces the fixing orifice; wherein the link and the support are assembled together by means of at least one fixing shank 136 extending along the axis of rotation in the fixing orifice, and in at least a portion of the passageway so as to hold the connection on the support and so as to prevent the inner strength member from rotating relative to the support.

Regarding claim 5, in which the support has two fixing tabs 34a and 36a, each of which is provided with a respective fixing orifice, the passageway passing through the inner strength member 1001 extending between the two fixing orifices, and each of two fixing shanks being engaged both in at least a portion of the passageway and also in respective one of the fixing orifices.

Regarding claim 7, in which each fixing shank 136 is provided with a head being stopped by a fixing tab on that side of the fixing tab which is opposite from its side that co-operates with the inner strength member.

Art Unit: 2116

Regarding claim 8, in which each fixing rod (shank 136) is made of steel of class 10.9.

Allowable Subject Matter

6. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brochier et al. U.S. Patent 5,458,647 and Engle U.S. Patent 4,766,980 show similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (571) 272-7079. The examiner can normally be reached on Monday - Thursday, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571)272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John R. Cottingham
Primary Examiner
Art Unit 2116

jrc